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**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

THOMAS ERIC CONMY,

Defendant - Appellant.

No. 06-10691

D.C. No. CR-05-00083-KJD

MEMORANDUM^{*}

Appeal from the United States District Court
for the District of Nevada
Kent J. Dawson, District Judge, Presiding

Submitted October 22, 2007^{**}

Before: B. FLETCHER, WARDLAW, and IKUTA, Circuit Judges.

Thomas Eric Conmy appeals from the life sentence imposed following his jury-trial conviction for possession with intent to distribute a controlled substance in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(A)(viii), manufacture of

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

methamphetamine in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(A)(viii), and possession of a firearm by a convicted felon in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2). We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Conmy contends that the district court erred in sentencing him to a mandatory term of life imprisonment because the government, after filing an information to establish prior convictions pursuant to 21 U.S.C. § 851(a), failed to submit proper proof that one of the prior convictions was a felony drug offense as defined in 21 U.S.C. §§ 841 and 802. Because Conmy failed to challenge the prior conviction in the district court as required by 21 U.S.C. § 851(c), we conclude that he has now waived the right to make that challenge. *United States v. Stephens*, 35 F.3d 451, 453 (9th Cir. 1994).

We decline to address Conmy's claim of ineffective assistance of counsel on direct appeal. *See United States v. Ross*, 206 F.3d 896, 900 (9th Cir. 2000) (explaining that the normal method for raising claims of ineffective assistance of counsel is through habeas corpus proceedings).

AFFIRMED.